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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,348	02/05/2004	Peter Laackman	20193/0200864-US0	5310

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EXAMINER	
CAPUTO, LISA M	
ART UNIT	**PAPER NUMBER**
2876	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/774,348	LAACKMAN ET AL.	
	Examiner	Art Unit	
	Lisa M. Caputo	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 8-11* is/are rejected.

7)☒ Claim(s) *5-7 and 12-18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed 7 September 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAdams, Jr. (U.S. Patent No. 4,783,598, from hereinafter "McAdams") in view of Jachimowicz et al. (U.S. Patent No. 5,734,154, from hereinafter "Jachimowicz").

McAdams teaches an optically coupled interface for portable semi-conductor data media. Regarding claim 1, McAdams teaches a chip card (module 10) for generating images, the chip card comprising a substrate (see card substrate in Figure

1), an optically responsive window 16, and solid state circuitry 18 for embodying an actuator for moving the optically responsive mirror with reference to the substrate around two axes and a processor for processing image information (see Figure 1, col 2 line 45 to col 3 line 21).

Regarding claim 1, McAdams fails to teach that the optically responsive window is a mirror which is held rotationally moveable around two axes with reference to the substrate, and that the processor processes images information for driving the actuator in order to move the mirror rotationally around the two axes according to the image information in order to generate the two-dimensional image projection.

Jachimowicz teaches a smart card with an integrated reader and visual image display. Regarding claim 1, Jachimowicz teaches a chip card (smart card 12) for generating a two-dimensional image projection, comprising a substrate (see Figure 1), a virtual image display 16 with a mirror 65, and a processor (microchip 14 and CPU electronics 22) to process image information to generate a two-dimensional image projection as can be seen in Figure 14 (see Figures 1, 12, and 14, col 2 line 37 to col 3 line 10; col 7 lines 6-15; col 9 lines 38-50).

In view of the teaching of Jachimowicz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the use of a mirror in the place of the optically responsive window, because the window is in fact, an optically responsive window because the mirror behaves differently when different light sources are inputs are placed onto it. In addition, a mirror is well known in the art to be a useful and efficient means of directing light into different paths. Further, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to employ a processor to be able to project a two dimensional image because it is favorable to be able to see the data that is within the card efficiently.

Regarding claims 2-3, McAdams teaches that the actuator is mounted to the substrate and that the mirror is arranged on the chip card so that it is visible from the outside (see circuitry 18 within substrate and optically responsive window 16 in Figure 1).

Regarding claim 4, McAdams teaches that the solid state circuitry comprises memories such as ROMs and RAMs (see col 3, lines 3-8).

Regarding claim 8, McAdams teaches that the mirror faces a surface of the chip card on which the chip card comprises no contacts (see Figure 1).

Regarding claim 9, McAdams teaches that the processor, actuator, and mirror are implemented integrally (see Figure 1).

Regarding claims 10-11, although McAdams teaches that there is a host device which is exemplified by a light transmitting element (see col 2, lines 56-62), McAdams fails to teach a chip card reading device that comprises a chip card holding means, and a light source holding means for holding a light source in order to orient the system so that the light beam may fall onto the mirror of the chip card, and the chip card holding means is further implemented so that it may hold the chip card so that the mirror is visible from the outside.

Jachimowicz teaches that Figures 3 and 4 show a different embodiment comprising a smart card with visual image display 10' that includes an accessory visual

display component 17 having a slot 19 formed therein for the insertion of a smart card 12', which is the chip card holding means which holds the card so that the mirror is visible from the outside as recited in claims 10-11. In addition, there is an image generation apparatus 20', which is the light source holding means as recited in claim 10. The apparatus is arranged so that in the system the light beam may fall onto the mirror of the chip card (see Figures 3-4, col 3, lines 39-57).

In view of the teaching of Jachimowicz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ this host device so that the user would be able to see the contents of the card in a different manner. It is favorable to use a host device because more data is able to be stored and used since there is a larger area and more electronics utilized.

Allowable Subject Matter

4. Claims 5-7 and 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, of McAdams and Jachimowicz, fails to teach the limitations of the dependent claims 5-7 and 12-18. For example, the best prior art of record fails to teach that the chip card holding means and the light source holding means are implemented so that the light source holding means may hold the light source so that an angle between the light beam and mirror is greater than 0 degrees

and less than 90 degrees, and further that the angle is 45 degrees as recited in claims 12-13 of the instant application.

Response to Arguments

6. Applicant's arguments filed 7 September 2005 have been fully considered but they are not persuasive.

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is proper to combine the McAdams and Jachimowicz references because both references teach portable data storage mediums with imaging capabilities. Jachimowicz is improving the McAdams reference by providing for a more flexible imaging system (i.e. rotationally moving mirror).

In response to applicant's arguments that Jachimowicz does not that a chip card reading device with a chip card holding means, examiner respectfully disagrees and submits that Figures 3 and 4 do indeed show that the image generation apparatus 20 comprises a mirror being visible from the outside (i.e. through the holder).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Lisa M. Caputo*** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398.** The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**lisa.caputo@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMC
November 27, 2005

MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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